

ORDINARY MEETING	14
23 NOVEMBER 2011	

GENERAL POLICY – MARKETS

Malcolm Robertson: 1/59/3-01: #3244550v3

RECOMMENDATION:

That Council adopts the attached Markets Policy 1:06:15 and resolves to adjust the Port Douglas Markets Fees and Charges Schedule to reflect the revised stall size fee structure set out in Attachment 3.

INTRODUCTION:

Council has operated regular community markets at Port Douglas, Cairns City Place, Cairns Esplanade, and the Tanks Arts Centre over many years.

The primary emphasis of Council operated markets is to encourage local craftspeople and artisans to create, produce and sell their own products. The markets are considered to be local Creative Industry Clusters, combining cultural expression and creativity with material production and tradeable goods.

BACKGROUND:

Council resolved to adopt the Cairns Regional Markets Policy 1:06:14 on 15 May 2009 (refer attachment 1).

Council further resolved on 15 December 2010 that Council undertake *a review in 2011 of only the Esplanade and Port Douglas Markets Policy and terms of conditions, including local product and conditions of staffing of stalls*. This report provides the outcomes of that review.

COMMENT:

Business Development Assistance

Discussions around Council's role in the development of the local art and craft industry arose around this Policy review. Instances were noted where local market stallholders have initiated a home business through the market environment, but have identified a need to gain greater skills in business management so that they may grow beyond the market environment. This is an area where Council's Economic Development unit sees potential to assist in further development of small businesses within the markets "Creative Industry Clusters". The options for this are currently being investigated.

Survey results

Comprehensive consultation with stallholders has been carried out. This consultation was initiated through a performance rating survey tool, whereby stallholders rated Council's performance against various aspects of the markets. The key service level performance issue identified across both markets was promotion of the markets. Esplanade market stallholders further identified issue resolution as not meeting required performance levels, and Port Douglas Market stallholders identified product control, as not meeting required performance levels (refer attachment 2).

Following the survey, meetings were held with Cairns and Port Douglas stallholders to discuss the outcomes of the survey information. In the meetings, the two areas of primary concern for each market were the focus for discussion.

Esplanade stallholders voiced their increased satisfaction due to the introduction of new initiatives, such as a monthly newsletter to all stallholders, and targeted promotional campaigns.

Port Douglas stallholders generated some robust discussion around the issues of product control and marketing. In response, a marketing plan is being developed around stallholder feedback. Issues in relation to product control are more fully detailed below.

Local Product Requirement

The first issue Council sought to be investigated in the Policy review was the requirement for "local product". Product control is the most integral factor in a successful art and craft market. Failure to ensure that product is regulated to meet the handmade criteria quickly results in loss of market integrity. This has been demonstrated in many previously successful markets around Australia, where the craftspeople or artists are no longer able to compete with imported or bulk manufactured product, and as a result the market becomes a simple retail operation.

Stallholders at the Esplanade Markets are generally happy with current levels of product control. Being a relatively new market, controls have been in place to ensure the audits are performed and assessment of 'product against set criteria' is conducted, and this has worked to establish and maintain the standard of the market product.

Port Douglas Market stallholders are generally unhappy with a range of products being sold within the markets that do not meet criteria. Many of these products have been allowed into the markets historically, when previous market coordinators did not actively regulate what was being sold. Council, through adoption of the Cairns Regional Markets Policy in December 2009, initiated a process of removing inappropriate product that had been allowed into the markets historically.

Council is actively working on the changes to non-conforming product at Port Douglas Markets. Council officers have been sensitive to the impact on livelihood for individual stallholders as the change is rolled out, and this has necessitated taking a long term approach.

Within the stallholders, there is a minority that call for complete removal of control criteria over product. Support for full removal of product criteria, and for allowing third party retail operations within the markets predominantly arises from stallholders that currently do not meet the criteria, including “grandfather Clause” stallholders.

Given the above, there is no proposal to change the existing Policy requirement.

Stall Staffing Requirement

The second issue that Council required specific review of was conditions of staffing of stalls. Currently the Policy requires that Market stallholders sell only items that they make themselves, or have been made by their immediate family. Two practices have been proposed at various times to “assist” stallholders in running their business, these being;

- Wholesaling of product produced by others
- Producers paying third parties to operate their stalls

The wholesaling of product produced by others has been considered previously but deemed to be too high a risk to the integrity of the Markets to allow. As an example, proposals have been received by individuals wishing to operate as a commission sales agent for groups of artists or craftspeople. Effectively this style of operation is a retail outlet, sourcing wholesale product from producers to sell at a market outlet.

There is argument that the third party operated stall supports and encourages the arts and craft industry. However, the primary concern is the loss of ability by the market coordinator to audit and assess the manufacture process. With a third party operating as an agent, Council is removed from the assessment process and can no longer guarantee control of product and ultimately, the integrity of the market.

There is a high degree of concern amongst existing stallholders that allowing agents to operate outlets within the markets will impact directly upon existing local artists. This practice is currently being phased out of Port Douglas markets, and at this stage to reverse the direction would be of no benefit to existing market stallholders or to the overall market sustainability.

The issue of allowing third parties to operate a market stall, either through employing staff or as commission sales agents, is also of major concern to the majority of stallholders. Council does not issue a licence for a stall, but to individual artists or craftspeople. Interaction between customers and the actual artisans who create and sell their products assists in giving the markets authenticity and integrity. There is a real concern from both existing stallholders and market coordinators that should Council allow third party salespeople to be engaged by stallholders, the market integrity would suffer.

Should individuals wish to operate as third party retailers for arts and craft product through a market environment, there are currently opportunities within several existing markets in the Cairns region. For example, the Umi Arts operated market for aboriginal products at Cairns Esplanade.

Given the above, there is no proposal to change the existing Policy requirement.

Tanks Arts Centre Markets

Tanks Arts Centre Markets are currently included under the General Policy – Markets. However, within this review it has been recognised that the limited number of market days (seven per year), and the themed nature of the market days make this activity more of a series of events than a regular market.

The Tanks Markets approximate the intent of the Policy, but also at times allow a range of imported, commercially produced or third party retailed products where these are deemed appropriate to the theme of the market. The Tanks Markets also allow for Bric-a-brac and second hand items.

The Tanks market is very popular, and offers the opportunity for people that do not fit within the cottage arts and craft industry. To allow the integrity of the Port Douglas and Esplanade markets to be retained, but also to cater for the themed market days at the Tanks, it is recommended that clear policy separation between the regular Council cotters markets and the Tanks markets is made.

For the above reasons, it is recommended that the Policy be adjusted to note the exclusion of the Tanks Arts Centre markets from the definition of Cairns Regional Council markets.

Once removed from this policy Tanks Arts Centre Markets will need to be managed on an event basis under relevant Local Law License.

Port Douglas Markets - Stall Sizes and Fees

Port Douglas Markets have very high levels of traffic from pedestrians and vehicles. As a result, the condition of the parklands has deteriorated to the point that the grass cover is unable to be sustained. The current stall allocation and fees and charges process also adds to this problem. Historically, Port Douglas stallholders pay by “frontage” rather than stall size. This has enabled some stall holders to extend 12 metres or more back from a limited frontage, while not being required to pay any more than that of a standard marquee with the same frontage.

Discussions have been held with stallholders about a new fees and charges system for Port Douglas on two grounds, firstly to ensure charges are applied equitably and secondly to allow a more sustainable approach to management of the markets grounds. Many stall operators have only expanded stall size because there is no cost. Given fees for area used rather than frontage, most stall operators would reduce their overall stall size. This would introduce increased efficiency within the markets layout and provide extra unused space.

With a smaller footprint from the markets, adjustment of the markets area can be managed to allow areas of parkland to be periodically “rested” from weekly markets. During rest periods topsoil replacement, returfing and repair works could be carried out and allowed to establish. This will allow current issues such as dry season dust to be more appropriately addressed.

Following positive feedback from stallholders, a trial of the new fees and charges system was initiated on 1 July 2011. This trial has demonstrated that the intent of the changes has been realised.

For the above reasons, is it recommended that a formal adjustment to the Fees and Charges register is made to accommodate the proposed changes. See attachment 3.

Food Products

Port Douglas Market stall operators have raised the issue that Council is too restrictive on food sales within the markets, and wish Council to consider relaxing food licensing requirements. The Darwin Mindil Beach Sunset Markets are seen by some stallholders as the preferred model for Port Douglas.

Council currently approves food stalls within the Markets under the following grounds:

1. A Market Food Stall Licence (under *Food Act 2006*), issued by the Cairns Regional Council, is required before operating a market food stall
2. Preparation of food at a market food stall is currently restricted to non-alcoholic drinks and cutting up of fruit and vegetables
3. Food products can be sold which are made in commercial premises approved by the Council for food preparation

If food is to be prepared or cooked on site at an approved market site within the Cairns Regional Council area, a temporary food licence may be issued, subject to compliance with structural and operational requirements for temporary food premises, as outlined in *Temporary Food Premises Guide No 4*, (attached).

The most important part of temporary food operations is that the food safety practices comply with the *Food Safety Standard*, and are met for the duration of the business' operation. To ensure that this is done, Environmental Health Officers conduct inspections of approved Temporary Food Premises.

Under the *Food Act 2006*, Temporary Food Premises can only be licensed for up to twelve events per annum. If an operation wishes to trade for more than twelve times per year, that operation is no longer considered temporary, but is considered a commercial operation and requires a Commercial Food Licence. This trigger point has been determined due to the following reasons:

- Established food businesses must comply with the requirements under a Commercial Food Licence, which allows a competitive advantage to temporary businesses that have less stringent conditions.
- Commercial food establishments have significant obligations and costs around required infrastructure and licensing that a temporary operation does not, again allowing a competitive advantage.
- Requirements for infrastructure are far more onerous upon permanent food premises, again allowing a competitive advantage.
- Requirements for Council Officers to inspect Temporary Food Premises are unsustainable on a permanent basis.
- The health risk associated with the regular set up of a temporary food stall is greatly increased, and this risk can only be appropriately managed through a Commercial Food Licence.

There are many existing food businesses that operate within the Port Douglas township that rely on the Sunday trade generated around the markets. Likewise, there is a flow-on effect to all businesses that trade within the township on a Sunday. There is a real risk that these businesses will feel a direct negative economic impact should Council reduce the Food Health licensing requirements within the Port Douglas Markets. It must be noted that the Mindil Beach Markets do not sit adjacent to existing restaurants or food shops. The Mindil Beach area is relatively isolated, and as such there is no direct competition with existing business.

Commercial food vans are currently prohibited at Port Douglas Markets. Aside from the impact on neighbouring businesses, there is an impact from vehicles upon the parkland that leads to degradation of turf cover, and is ultimately unsustainable. Long term planning should look to reduce the number of vehicles accessing the grassed parklands, and to keep vehicle to hardened surfaces designed for vehicle traffic.

If food vans are the desired direction of Port Douglas Markets, similar infrastructure as is seen at the Darwin Mindil Beach Sunset Markets would be required. The Mindil Markets succeed because of a ring road allowing vehicle through passage, with associated hardened edges to the road to allow for food van and temporary food stall operation. Outside of vehicle traffic, additional issues from increased food service that would directly impact the parklands include food, oil and grease spillage, rubbish control and pest control.

This style of hard development does not sit well with the current Port Douglas Foreshore Masterplan and support for this type of development was not apparent in the community consultation process. Opening the Port Douglas Markets to food vans would require significant changes to current plans. If food vans were to be approved, it would be recommended that the number and locations would need to be pre-determined in order to manage the parklands appropriately.

The food elements within the Mindil Markets are considered commercial food operations, and require significant management. Regular inspections of home kitchens, vans, and actual food service processes place a massive workload upon Council Health Food and Workplace Health and Safety inspectors. Outside the Health Food inspection requirements, overseeing the markets requires a full time manager and full time operations manager. Introduction of this style of Market to Port Douglas would need prior consideration of the impacts on existing staff resources.

It is considered that currently there are sufficient options for food service that are available to Market stallholders. These options are not being fully realised. Rather than look to reduce the licensing requirements and therefore increase potential health risk to the public, it is recommended that potential food businesses wishing to trade at the markets are assisted as much as possible in understanding the current licensing requirements.

CONSIDERATIONS:

Corporate and Operational Plans:

Within the Operational Plan, Inner City Facilities unit have a mission to enhance the vibrancy of the Cairns CBD, Cairns Esplanade and Port Douglas Foreshore reserves, through the provision of aesthetically pleasing, safe, clean public parklands, facilities and streetscapes, focusing on the development of community engaging recreational activities, festivals and events. A key output of this unit is the facilitation of weekly Cairns Esplanade and Port Douglas handmade art craft and produce markets.

Statutory:

Markets are an approved secondary use within the Cairns Esplanade Reserve under the Cairns Esplanade Management Plan.

Policy:

Markets Policy 1:06:14

Financial and Risk:

Recommended changes to the Policy will allow a reduction in the negative environmental impacts of Port Douglas Markets without impact upon markets revenue. All fees and charges received from Esplanade and Port Douglas Markets are acquitted to operational budgets so that this income is attributable to maintenance of the reserves.

Sustainability:



Improving Resource Efficiency

The delivery phase of the activity has been planned to reduce water consumption per capita/ square metre/activity.

Conserving Bio-diversity

The outcome of the activity will reduce or detain stormwater/ overland flows to reduce impacts on the receiving environment.

The delivery phase of the activity has been planned to avoid potential impacts on waterways.

The activity includes actions to improve the environmental values of the site/precinct OR to develop habitat corridors.

Enhancing Community Health and Wellbeing

The activity will deliver additional open space or improve the amenity of existing open space.

The activity involves the delivery of a new or improved community program.

The activity includes actions that will provide/ improve access to services for all members of the community.

The activity meets or exceeds Service Standards.

Delivering Sound Governance and Economic Management

The activity will support employment in the region, via external businesses or by increasing jobs within Council.

The activity will use materials that are sourced, grown and/or manufactured in North Queensland.

The activity is within budget and meets or exceeds the scope defined in the Operational Plan.

The activity will contribute to operational cost savings.

There are enough staff/funds to undertake the work without unreasonable workloads; OR the activity will result in improved efficiency. The activity will improve the amenity of the working environment for affected staff.

CONSULTATION:

Stallholders at Council's markets have been widely engaged in relation to this Policy Review.

Council's Economic Development unit, Events and Sponsorship Strategist and Environmental Assessment Branch have also been consulted in relation to this review.

Management of Mindil Beach Sunset Markets, Darwin, have been consulted in relation to this review.

OPTIONS:

1. Council adopts the attached, amended Markets Policy 1:06:15 *and* resolves to adjust the Port Douglas Markets Fees and Charges Schedule.
2. Council notes the review of the Markets Policy 1:06:14 *and* resolves not to adjust the Port Douglas Markets Fees and Charges Schedule as per Attachment 3.

Option 1 is recommended.

CONCLUSION:

The Markets Policy guides the direction of Council's markets to ensure the integrity of the markets is retained and the livelihood of local arts and crafts persons is protected. The review of the Markets Policy has reinforced that Council has taken the Esplanade and Port Douglas markets in the right direction, and Council is actively facilitating a creative arts and crafts industry cluster. Adjustment to the Port Douglas Fees and Charges will further assist in this process.

ATTACHMENTS:

Attachment 1: Markets Policy 1:06:15

Attachment 2: Esplanade & Port Douglas Markets Stallholder Surveys Results

Attachment 3: Port Douglas Markets - New Fee Structure Proposed.

Malcolm Robertson

Manager Inner City Facilities

Alice Heather

Manager Sport, Recreation and Community Development

Ian Lowth

General Manager Community, Sport and Cultural Services

Attachment 1: Markets Policy 1:06:15

CAIRNS REGIONAL COUNCIL**NO. 1:06:15**

General Policy**CAIRNS REGIONAL COUNCIL MARKETS**

Intent To control and regulate the conduct of regular markets on Council owned or controlled land.

Scope This Policy applies to regular Cairns Regional Council administered markets on Council owned or controlled land within the Cairns regions. The policy does not apply to one off events which may contain market stalls. One off events are covered under relative Local Law licence.

Objectives

The purpose of this Policy is to ensure that regular Council administered markets be developed and conducted in such a manner that: -

- i. An environment is created that supports, fosters and encourages the growth of cottage industry arts and craft.
- ii. A suitable mixture of products is provided and encouraged so as to develop a market atmosphere.
- iii. Leisure opportunities are created for visitors and local residents
- iv. An attractive vibrant family atmosphere is created in safe, pleasant surroundings,
- v. The markets are financially viable and sustainable for all stakeholders.

DEFINITIONS

“Cairns Regional Council Markets” means

All Cairns Regional Council administered markets including but not limited to daily City Place Markets, weekly Port Douglas and Cairns Esplanade markets. Privately run markets held on council land, or market stalls operated in conjunction with one off events are not included within this definition. Tanks Art Centre monthly themed markets, held seven times per annum, are not included within this definition but rather are considered venue related events.

“Cottage Industry” means

The manufacture of products, by the use of hand labour or small machinery, in small quantities. The definition does not include mass production, or production in commercial quantities. Manufacture must be by the vendor and at the vendor's own residential premises or studio with the exception of food products which may be made in commercial premises approved by the Council for food preparation. It is accepted that some component parts of a product may be of a mass produced nature however such component parts must be significantly value added through application of art or craft processes.

“Craft” means

The production of items of use or ornament by the personal efforts, skills and arts of a craftsperson, or his immediate family, and may, without limiting the generality of the term, include cooking, sewing, knitting, woodworking, painting, drawing, the shaping, cutting or polishing of gemstones, jewellery making and other like crafts. The use of manufactured materials as raw materials is accepted, provided that the exercise of a skill or craft is involved in the process of making the finished product.

The assembly of pre-manufactured components into a saleable product, or the repackaging of manufactured product into alternative containers is not regarded as a craft.

“Crafts person” means

A skilled worker in a craft or art.

“Immediate Family” means

Spouse, father or mother, brother or sister of the stallholder. Any more distant relationship will not be considered immediate family, and sale of products on behalf of such person will not be approved.

“Local Produce” means

Fruit, vegetables and flowers grown in the North Queensland region, on farms or smallholdings occupied by the vendor of the produce, or by members of the vendor’s immediate family.

“Market Coordinator” means

A person appointed by the Council for the time being co-ordinate and administers the Market on Council’s behalf.

“Product” means

Without limiting the generality of the term, included any item a vendor intends to sell, has available for sale or sells at the Market.

“Regular Market” means

A market occurring on a recurrent annual schedule, operating under defined terms and conditions with consistent control and regulation over product.

“Stall” means

A table or tables or other equipment used for the display of the stallholders products. A stall which covers more than one site is permitted on the payment of any additional charges stipulated by the Organiser.

PROVISIONS

Stallholder Approval

Stallholders must submit annual application for approval to attend Council markets. Approval will be subject to assessment of product and manufacturing processes and prior compliance with market stallholder terms and conditions.

Product Criteria

The Cairns Regional Council markets are intended to support and encourage hand made arts and crafts. All items for sale must have been produced by the stallholder by the stallholders own efforts (or the stallholders immediate family) to supply the demands of patrons of Cairns Regional markets.

All items for sale must display the following:

- Originality
- Skill or craft has been used in creation of the item
- Items have been produced by hand labour or with the use of small tools only
- Manufacture of the item fits within the definition of “craft” and “cottage industry” as contained within this policy.

All other specifications as detailed in the operating terms and conditions of each individual market.

Foodstuffs

Sale of food and non-alcoholic drinks are permitted within the Cairns Regional Markets only where such items are prepared, packaged, stored and sold according to the Queensland Health Food Standards Code. Food product must also fit within the definitions contained within this policy.

Second-hand goods, Collectables and/or Bric-a-Brac

Non craft items fitting into the definition of second-hand goods, collectables or bric-a-brac will not be considered for approval as regular market stalls. Within the terms and conditions of each individual market consideration may be made for inclusion of stalls retailing second-hand goods, collectables or bric-a-brac in association with one off events subject to the relative Market Coordinator having determined that such inclusion will not undermine the objectives of this policy.

Items not permitted

Individual product may be excluded from sale where inclusion of such product is considered to negatively impact the objectives of this Policy

Terms and Conditions of Markets

Terms and conditions of approval will be developed for each regional Market. Annual fees and charges will be resolved by Council for inclusion within terms and conditions. Full compliance of market trading terms and conditions is required of all stallholders. Failure to comply with the terms and conditions may result in disciplinary action including removal of approval to operate.

Grandfather Clause

Sixteen individual stallholders have been granted approval to retail product that fall outside the Policy. This approval was granted in 1996 under previous Douglas Shire Council, and was given in respect of historical links to the establishment of the Port Douglas Markets. These individual stallholders may only retail existing product, and no new non-compliant items may be retailed from their stalls. The stallholder approval is not transferable.

Should any of these stallholders operate at less than 44 markets in any given financial year, that stallholder will lose their protection under this clause, and must submit application for a Market Stall as a new supplier under the current Market Terms and conditions.

Responsibilities

The Manager Sport, Recreation and Community Development is responsible for the administration of this policy.

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This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review:

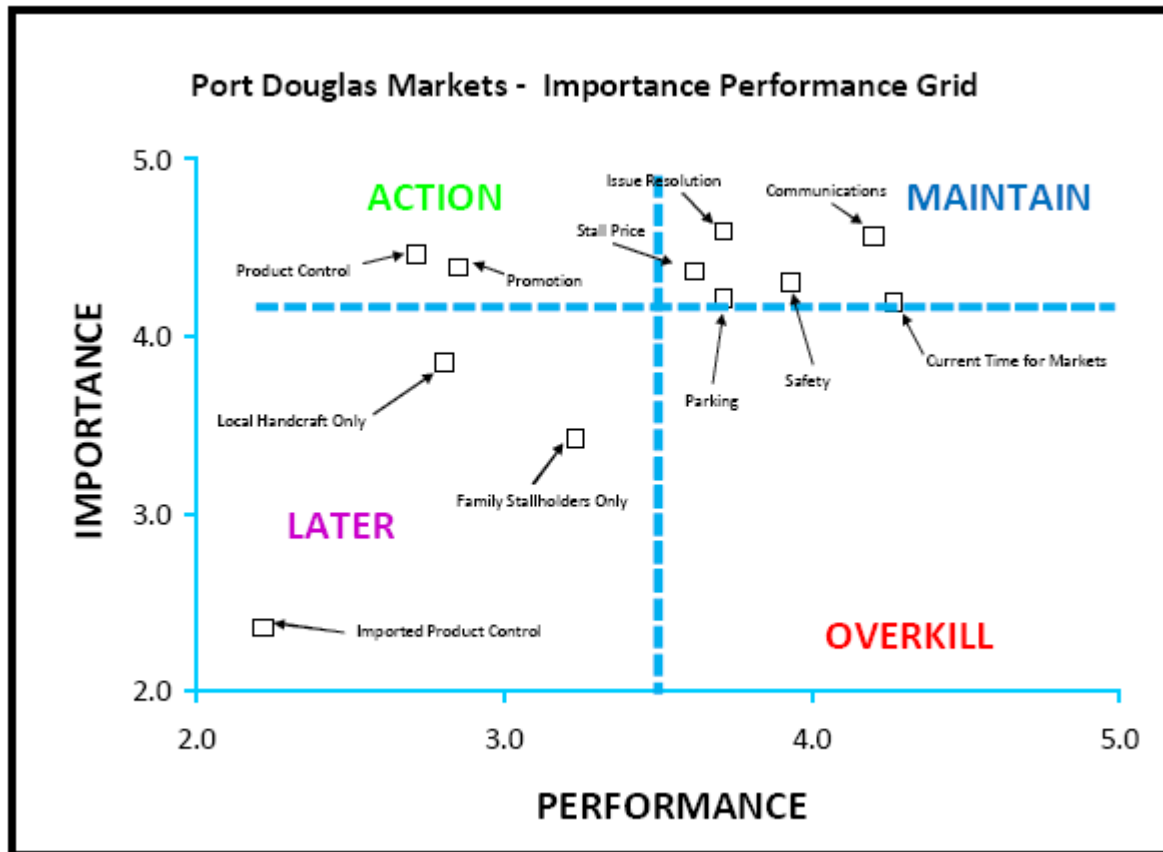
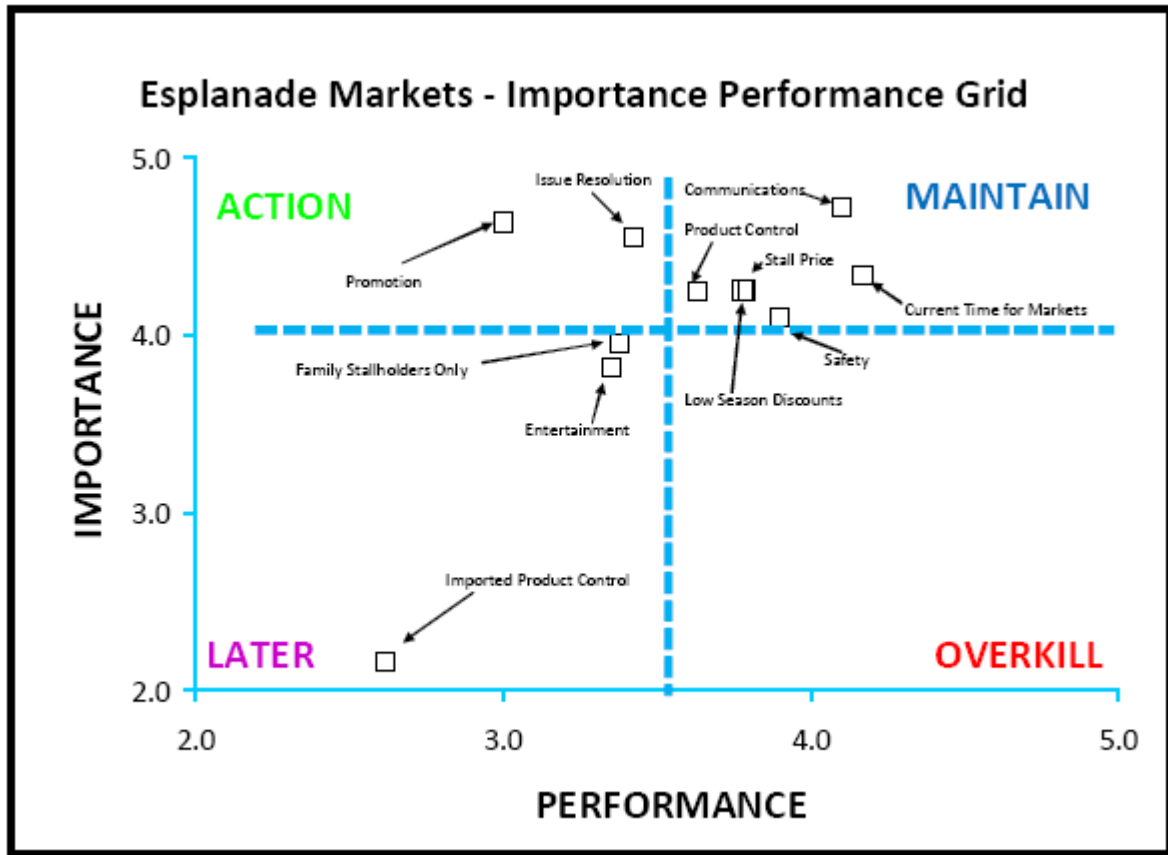
**General Manager Community,
Sport & Cultural Services**

ORIGINALLY ADOPTED:13/05/2009

CURRENT ADOPTION:

DUE FOR REVISION:

Attachment 2: Esplanade & Port Douglas Markets Stallholder Survey Results



Attachment 3: Port Douglas Markets - New Fee Structure Proposed

<u>PORT DOUGLAS FEE STRUCTURE - COMPROMISE</u>	
<p>John Smith has a stall which is 3m x 3m The total cost for his market space will be: 3m x 3m = \$ 27.00</p> <p><i>(NB: The stallholder's products/displays/tables/etc need to be contained within this allocated space)</i></p>	<p>Frontage</p>
<p>Jane Smith has a stall which is 6m x 3m (with 3m frontage) The total cost for her market space will be: 6m x 3m = \$ 32.00</p> <p><i>(NB: The stallholder's products/displays/tables/etc need to be contained within this allocated space)</i></p>	<p>Frontage</p>
<p>Jane Smith has a stall which is 6m x 3m (with 6m frontage) The total cost for her market space will be: 6m x 3m = \$ 38.00</p> <p><i>(NB: The stallholder's products/displays/tables/etc need to be contained within this allocated space)</i></p>	<p>Frontage</p>
<p>John & Jane Smith have a stall which is 6m x 6m. The total cost for their market space will be: 6m x 6m = \$ 48.00</p> <p><i>(NB: The stallholder's products/displays/tables/etc need to be contained within this allocated space)</i></p>	<p>Frontage</p>
<p>Special/unique/larger stall sizes and the respective fees will need to be discussed with the Port Douglas Markets Coordinator. (i.e. 4m x 4m stalls, 5m x 6m stalls, etc)</p>	

Attachment 3: Port Douglas Markets - New Fee Structure Proposed Contd.

CAIRNS REGIONAL COUNCIL - Fees & Charges Register Entry Schedule 2011 / 2012			
Description of Fee, Charge, Penalty plus conditions	Unit	2011/12 Rate Including GST	GST on Base Rate
<u>PORT DOUGLAS MARKETS</u>			
Market Stall size "A" (Card Table only)	Day	10.00	0.91
Market Stall size "B" (Large Umbrella and Table)	Day	17.00	1.55
Market Stall size "C" (3m x 3m Marquee)	Day	27.00	2.45
Market Stall size "D" (3m frontage x 6m deep)	Day	32.00	2.91

CAIRNS REGIONAL COUNCIL – Proposed Replacement Fees & Charges Schedule 2011 / 2012			
Description of Fee, Charge, Penalty plus conditions	Unit	2011/12 Rate Including GST	GST on Base Rate
<u>PORT DOUGLAS MARKETS</u>			
Market Stall size "A" (Card Table only)	Day	10.00	0.91
Market Stall size "B" (Large Umbrella and Table)	Day	17.00	1.55
Market Stall size "C" (3m x 3m Marquee)	Day	27.00	2.45
Market Stall size "D" (3m frontage x 6m deep)	Day	32.00	2.91
Market Stall size "E" (6m frontage x 3m deep)	Day	38.00	3.45
Market Stall size "F" (6m x 6m)	Day	48.00	4.36
Market Stalls not fitting onto above categories will pay a pro-rata rate to be determined by the Market Coordinator.			

Attachment 4: Temporary Food Premises Guide for Market Stalls



**Cairns
Regional
COUNCIL**



Temporary Food Premises Guide #2

Market Food Stalls

May 2010 v.1

This guide sheet has been produced to provide helpful information about temporary food premises at a market site (market food stall).

What is a market food stall?

A market food stall is a temporary food premises conducted on a regular basis at any approved market site within the Cairns Regional Council area.

Temporary food premises are defined in the *Food Act 2006* as "premises other than fixed premises or mobile premises, and includes, for example, a stall or a tent."

Licence requirements

A Market Food Stall Licence allows you to operate at any approved market site within the Cairns Regional Council Area at the discretion of the relevant Market Coordinator.

Before applying for a licence, you are advised to seek approval from the Market Coordinator to ensure you are able to operate there.

Applications for a Market Food Stall Licence must also include Food Safety Supervisor details.

Preparation of food at a market food stall is restricted to the preparation of non-alcoholic drinks and the cutting up of fruit and vegetables.

The handling of potentially hazardous food at a market food stall is limited to transporting, displaying and serving only. **No cooking or reheating of food is permitted at a market stall** (except by non-profit organisations).

All food preparation must be done in a licensed kitchen. There may be special circumstances to allow food prepared by you at home for the markets, but this will require prior approval.

If you wish to expand your operations to include cooking and preparation of high risk food products, you must obtain a Mobile Food Vehicle Licence. Operation of mobile food

vehicles at approved market sites may be restricted. Contact the individual Market Coordinator for further information.

The market food stall must be set up and operated in accordance with the conditions of approval. For more detailed information relating to this, please refer to Council's *Structural & Operational Requirements for Temporary Food Premises*.

Application process

Once you have obtained site approval from the Market Coordinator, an *Application for a Market Food Stall Licence* must be lodged to Council with the annual fee.

Applications can be mailed to Council's postal address or lodged in person at Council's administration offices. Once approval is granted a licence will be issued that must be displayed at the stall.

For further information about market food stalls, please contact Council's Public Health Unit to discuss with an Environmental Health Officer.




Cairns Office: 119-145 Spence Street, Cairns H: Mon-Fri, 8.00am-5.00pm P: (07) 4044 3044 F: (07) 4044 3814

Mossman Office: 64-66 Front Street, Mossman H: Mon-Fri, 8.30am-4.30pm P: (07) 4099 9444 F: (07) 4098 2902

 W: www.cairns.qld.gov.au M: PO Box 359, Cairns Q 4870

Attachment 5: Temporary Food Premises Structural & Operational Requirements



Temporary Food Premises Guide #4

Structural & Operational Requirements for Temporary Food Premises

March 2010 v.1

This document applies to all temporary food stalls and market food stalls within the Cairns Regional Council area and should be used as a guide when making application for a temporary food stall or market food stall licence.

1. Stall structure

The food stall must have a **roof and three sides** made of plastic sheeting, vinyl or other material that is:

- non-absorbent
- easily cleaned, and
- suitably fire retardant (where relevant).

Where the stall is erected on unsealed ground a floor covering (eg. non-slip vinyl) must be laid and suitably secured (eg. with pegs) so as to provide a floor surface that is:

- smooth, non-absorbent and easily cleaned
- durable, and
- non-trip and non-slip.

Exemptions to stall structure may be given where there is an unlikely risk of food contamination.

2. Benches and tables

Bench and table tops are to be:

- free of cracks and crevices
- smooth and impervious, and
- easily cleaned.

3. Food storage and protection

All food and utensils are to be transported, stored and displayed in such a way that they are protected against contamination from any source. In particular they must be:

- stored separately from other materials
- protected from dust, flies and coughing/sneezing by the public.

Storage containers for food and utensils must be able to be easily and effectively cleaned or must be single use.

As far as practicable food is to be wrapped or bagged at the point of preparation.

Ready-to-eat foods must be stored separately from foods to be cooked.


Food and utensils must be stored separately from other items.

All condiments such as sauce, mustard etc, must be contained in squeeze type dispensers or in individual sealed packs (see Figure 2).

Tea, coffee, cordial and other beverages must be dispensed from an enclosed or lidded container equipped with a tap or spout.

Animals are to be excluded at all times from food areas.

Figure 1. Sauces, condiments and single serve utensils



For further information on this topic, please contact Council

4. Food utensils

Food handling utensils must be:

- provided and used (bring spares)
- protected from contamination during storage and while in use.

Take-away eating and drinking utensils must be:

- disposable, and either
- pre-wrapped in paper napkins, cellophane bags or similar material prior to distribution to the public, or
- enclosed in suitable dispensers (see Figure 2).

5. Food display

Display facilities must be clean and able to be easily and effectively cleaned.

Food must not be displayed so as to be openly accessible to the public. A physical barrier must be provided between the public and the food, for example, perspex glass sneeze guards or enclosed containers as in Figure 3.

Figure 2. Food display

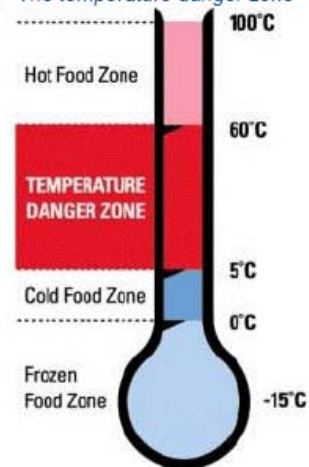


6. Food temperature control

To minimise bacterial growth, all potentially hazardous foods are to be kept under temperature control, either:

- **5°C or below** (for cold food), or
- **60°C or above** (for hot food).

Figure 3. The temperature danger zone



Potentially hazardous foods prepared in the stall must be for immediate sale and consumption unless kept under temperature control.

Acceptable methods of maintaining food at correct temperatures include:

- refrigerated displays or cooler boxes with adequate supply of ice,
- gas or electric food warmers/hot boxes (see Figure 5).

Note: electric power is not always available at temporary food stall locations.

Potentially hazardous food that is to be cooked must be kept **cold (5°C or below)** until it is cooked.

Food warmers may only be used for keeping food warm, not for reheating. Reheat food rapidly to **60°C** or above and display or store it at that temperature or hotter.

Probe thermometers must be used for checking temperatures.

Note: Food not stored at the correct temperatures can be seized by an authorised officer in accordance with the provisions of s.186 of the Food Act 2006. Potentially hazardous foods include meat, seafood, dairy, egg, cut salads and cooked rice/pasta.

Figure 4. Temperature control of potentially hazardous food



7. Cooking and cooking appliances

Cooking appliances are to be located in the food stall unless otherwise directed by the authorized officer.

Adequate provisions must be made to protect the stall walls from heat, flame and splashing.

A suitable fire extinguisher and/or fire prevention equipment e.g. a fire blanket will be required in close proximity to any gas operated or exposed flame type cooking appliance.

Cooking and heating equipment must not be accessible to the public.

Children must be excluded from cooking areas.

All electrical equipment used should be tested and tagged.

8. Cleaning

Benches, tables and all food contact surfaces must be cleaned and sanitised before use and regularly during stall operation.

If washing of utensils and equipment is to occur at the stall, facilities must be provided to enable:

- immersion and washing in water with detergent (preferably warm water)
- rinsing in clean water
- drying with clean towels

- collection and storage of waste water until it can be disposed to sewer.

Note: Bringing spare utensils can avoid or reduce the need for washing.

9. Hand washing facilities

The stall **must** have a designated hand wash facility with the following minimum requirements:

- located in the stall or within 5 metres
- provided with clean running water (warm water is preferable)
- provided with soap and clean towel (liquid soap and paper towel is preferable).

Note: Alcohol based hand sanitisers are not sufficient to replace hand washing.

A large closed container with a tap valve and a bucket to catch the waste water will be suitable for this purpose, as in Figure 1. The tap must be able to stay on to enable washing with two hands.

Figure 5. Minimum hand washing facilities



Sinks and basins draining directly to waste water containers may be required for regular market stalls

10. Water supply

All water used at the temporary food stall must be:

- from an approved potable water source (eg. town water)
- not drawn from sanitary or toilet facilities
- not stored in an open container.

11. Waste and waste water

Adequate arrangement must be made for the storage and removal of waste generated inside and outside the food stall. Suitable waste bins are to be provided near the stall within easy access by the public.

Waste bins should be lined and covered and otherwise protected from flies, animals and other pests.

Waste storage and disposal must not cause an environmental nuisance.

Waste oils and fats (including vegetable oil) are regulated wastes under Queensland legislation and must not be disposed to sewer except under a trade waste approval. Any large amounts of waste oils/fats should be collected into a container and suitably disposed off-site.

All waste water from dish washing, hand washing or otherwise is to be collected into a suitable container and disposed to sewer.

Disposal of regulated wastes (including detergents, grease and oil) into a stormwater drain or waterway is an environmental offence and can attract on-the-spot fines.

12. Personal health and hygiene

Persons with (symptoms of) a food-borne illness, or another condition which is reasonably likely to be a food safety risk:

- *should not* undertake food handling or be in a food handling area, and
- *should* use a replacement worker until the disease or condition has passed.

All food handlers are to adhere to standards of personal cleanliness and hygiene by:

- being clean and wearing clean clothing
- having clean hands and fingernails
- wearing an apron and taking it off before leaving the stall
- wearing hair ties etc
- *not* sneezing, blowing or coughing over food or food contact surfaces
- *not* making unnecessary contact with ready-to-eat food
- *not* spitting, eating or smoking in the food stall

- ensuring any cuts or abrasions are immediately covered with coloured band-aids and fresh gloves
- thoroughly covering any exposed bandages or dressings with a waterproof covering.

Food handlers should wash their hands:

- before handling food
- after entering or returning to the food stall
- after using the toilet.

Food handlers should wash their hands or, if gloves are used, change their gloves:

- between handling raw and ready-to-eat foods
- immediately after smoking, coughing, sneezing, eating, drinking or any act of personal grooming
- after touching their hair, scalp or body opening, and
- whenever necessary for food safety.

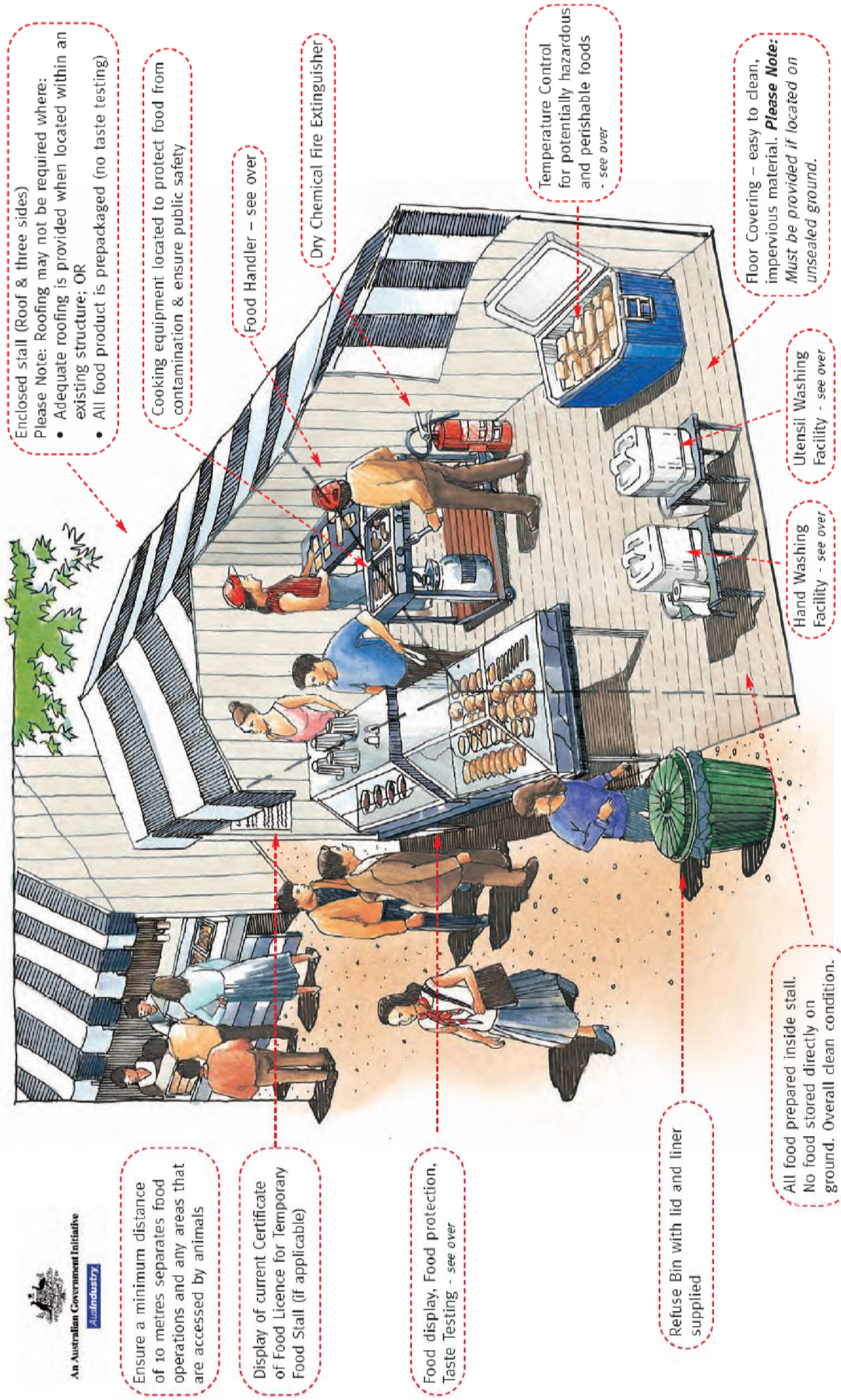
Figure 6. Food handlers



13. Food Labelling

The full food labelling requirements may apply to pre-packaged food sold at a temporary food stall. Contact Queensland Health on (07) 4050 3600 for information regarding your specific labelling requirements.

ARTISTS IMPRESSION – MINIMUM STANDARDS FOR THE OPERATION OF A TEMPORARY FOOD STALL



Ensure a minimum distance of 10 metres separates food operations and any areas that are accessed by animals

Display of current Certificate of Food Licence for Temporary Food Stall (if applicable)

Food display, Food protection, Taste Testing - see over

Refuse Bin with lid and liner supplied

All food prepared inside stall. No food stored directly on ground. Overall clean condition.

Enclosed stall (Roof & three sides)
Please Note: Roofing may not be required where:
• Adequate roofing is provided when located within an existing structure; OR
• All food product is prepackaged (no taste testing)

Cooking equipment located to protect food from contamination & ensure public safety

Food Handler – see over

Dry Chemical Fire Extinguisher

Temperature Control for potentially hazardous and perishable foods - see over

Floor Covering – easy to clean, impervious material. **Please Note:** Must be provided if located on unsealed ground.

Utensil Washing Facility - see over

Hand Washing Facility - see over